

EXHIBIT 25

KELLY HUTCHESON, M.D.
AMRO ALI, M.D. vs WESTCHESTER MEDICAL

September 25, 2020

1

1
2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----x
5 AMRO ALI, M.D.,

6 Plaintiff,

7 -against- No. 1:19-cv-08324

8 WESTCHESTER MEDICAL CENTER AND NEW YORK

9 MEDICAL COLLEGE,

Defendants.

10 -----x
11
12
13 VIDEOTELECONFERENCED DEPOSITION OF

14 KELLY HUTCHESON, M.D.

15 Valhalla, New York

16 Friday, September 25, 2020
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19
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21
22

23 Reported by:
24 Aydil M. Torres, CSR
25 JOB NO. J6033885

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September 25, 2020

10:21 a.m.

VTC deposition of KELLY
HUTCHESON, M.D., held at 100 Woods
Road, Valhalla, New York pursuant
to Notice, before Aydil M. Torres,
a Notary Public of the State of
New York.

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A P P E A R A N C E S:

ROBERT W. SADOWSKI, PLLC

Attorneys for Plaintiff

800 Third Avenue

New York, New York 10022

BY: ROBERT W. SADOWSKI, ESQ.

MEYER POUZZI ENGLISH & KLEIN

Attorneys for Defendants

990 Stewart Avenue

Garden City, New York 11530

BY: PAUL MILLUS, ESQ.

ALSO PRESENT:

Amro Ali, M.D.

Newman Hoffman, Esq.

Daniel Rinaldi, Esq.

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties herein, that filing,
sealing and certification and the
same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the
form of the question shall be reserved
to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
and sworn to before any officer authorized
to administer an oath, with the same force
and effect as if signed and sworn to before
the Court.

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K E L L Y H U T C H E S O N ,

called as a witness, having been
duly sworn by a Notary Public, was
examined and testified as follows:

THE REPORTER: Please state
your full name for the record.

THE WITNESS: Kelly
Hutcheson.

THE REPORTER: Please state
the address you're currently
located.

THE WITNESS: 100 Woods
Road, Valhalla, New York 10595.

EXAMINATION BY

MR. SADOWSKI:

Q. Dr. Hutcheson, my name is Robert
Sadowski. I represent Dr. Amro Ali in his
action against New York Medical College and
Westchester Medical Center. Have you ever
been deposed before?

A. Yes, I have.

Q. How often?

A. A couple of times in my career.

Q. When was the last time you were

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2 deposed?

3 A. Been a couple of years.

4 Q. Okay. Were you a party to that
5 action or a witness?

6 A. A witness.

7 Q. Let's refresh the rules of
8 deposition. The most important rule is that
9 you allow me to finish my question, before
10 you begin to answer it. This is important
11 because the court reporter can only take down
12 one person speaking at a time. If at any
13 time you want to take a break, let me know.
14 I's just ask that if there is a question
15 pending, you answer that question, before we
16 take a break. If you don't understand my
17 question, please let me know. From time to
18 time your Counsel may object to my question,
19 but you are to answer the question, unless
20 your Counsel directs you not to answer the
21 question. Have you taken any medication or
22 substances that could affect your ability to
23 testify truthfully today?

24 A. No.

25 Q. Dr. Hutcheson, where do you work?

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2 A. Westchester Medical Center.

3 Q. What's your title there?

4 A. Sorry?

5 Q. What is your title?

6 A. I am director of ophthalmology.

7 Q. How long have you been director of
8 ophthalmology?

9 A. About two and a half years.

10 Q. What are your responsibilities as
11 director of ophthalmology?

12 A. I oversee the clinical service.

13 Q. Do you have any affiliation with
14 New York Medical College?

15 A. One second. Yes, I do.

16 Q. What is that?

17 A. I am the chairman of ophthalmology.

18 Q. Before you were affiliated with
19 Westchester Medical Center, where were you
20 working?

21 A. At Weill Cornell Medical College in
22 Qatar.

23 Q. How long had you been with Weil
24 Cornell in Qatar?

25 A. Four years.

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2 Q. Where did you graduate from medical
3 school?

4 A. University of Virginia.

5 Q. What year did you graduate?

6 A. 1992.

7 Q. And did you do a residency?

8 A. I did.

9 Q. Where?

10 A. University of Florida.

11 Q. What year did you begin that
12 residency?

13 A. 1993.

14 Q. Do you know Dr. Amro Ali?

15 A. I do.

16 Q. And when did you first meet him?

17 A. Around February of 2018, I believe.

18 Q. Did anyone ever inform you that Dr.
19 Ali had an interest in joining the residency
20 program at WMC?

21 A. Indirectly.

22 Q. How was that done indirectly?

23 A. Dr. Sharma indicated that he was a
24 great research associate and to consider him.

25 Q. Did he do that in writing?

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2 A. No.

3 Q. When did that conversation take
4 place?

5 A. I have no idea.

6 Q. Okay. Because this is a written
7 transcript, all of your answers need to be
8 verbal. The court reporter can't take down a
9 nod of the head or a hand gesture. So I
10 noticed you were -- you seemed to be shaking
11 your head "no," but, of course, the court
12 reporter can't record that. So I will just
13 remind you that your answers need to be
14 verbal, okay?

15 A. My answer was verbal.

16 Q. Did anyone else speak to you, in
17 terms of Dr. Ali joining the residency
18 program at WMC?

19 A. No, never.

20 Q. No one?

21 A. No, never.

22 Q. You never spoke with Dr. Bierman
23 about that issue?

24 A. What period of time are we
25 discussing?

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2 Q. We're discussing -- well, you
3 learned of Dr. Ali, in connection with
4 joining the residency program, February of
5 2018. I am asking any time after that time,
6 did you have discussions with anyone else
7 about his joining the residency program?

8 A. Actually, that wasn't the question
9 that you asked me, and that's not what I
10 indicated in my answer.

11 Q. Well, my question is -- and,
12 please, if you don't understand my question,
13 let me know. Who else, after February of
14 2018, did you discuss the issue of Dr. Ali
15 joining the residency program at WMC?

16 A. I did not discuss the idea or issue
17 of Dr. Ali joining the residency program in
18 February of 2018 with anyone.

19 Q. Any time after that date?

20 A. The first conversation that I had
21 about Dr. Ali joining the residency program,
22 in conversation, was in June of 2018.

23 Q. In June of 2018, with whom did you
24 have those discussions?

25 A. Dr. Ali sent me an e-mail in June

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2 asking to discuss it with me.

3 Q. Okay, and after he sent you that
4 e-mail, did you have discussions with anyone
5 concerning his e-mail, or the desire for him
6 to join the residency program at WMC?

7 A. I set up a meeting with him, and
8 with Dr. Bierman, and Dr. Wandel to discuss
9 it.

10 Q. When did that meeting take place?

11 A. I believe, it was in June of 2018.

12 Q. Okay. Who is Michelle Hodge?

13 A. She is my administrative assistant.

14 Q. At the meeting in June of 2018, was
15 she present at that meeting?

16 A. Yes, she was.

17 Q. Okay. What was her role at that
18 meeting?

19 A. She took notes.

20 Q. Okay. Do you still have those
21 notes?

22 A. Yes.

23 Q. Did you have a meeting with Dr.
24 Wandel, Dr. Sharma, and Dr. Bierman, without
25 Dr. Ali?

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2 A. I don't recall.

3 Q. Is it your practice, when you have
4 meetings, to have Ms. Hodge attend them to
5 take notes?

6 A. Usually. Not always.

7 Q. Before you learned of Dr. Ali's
8 interest in joining the WMC residency program
9 in ophthalmology, were you aware of his work
10 at New York Medical College?

11 A. Yes.

12 Q. And can you tell me how you were
13 aware of it?

14 A. He asked to meet with me sometime
15 in the spring to discuss his research, and I
16 did so.

17 Q. Did you have an opinion about the
18 quality of his research?

19 A. I thought it was outstanding.

20 Q. Do you know how long Dr. Ali had
21 been involved in doing research at New York
22 Medical College?

23 A. I did not have a specific
24 knowledge. I was under the impression that
25 he had been there for, at least, a year or

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2 two.

3 Q. And while he was there, he was
4 appointed a full-time faculty member of New
5 York Medical College, correct?

6 A. I don't believe that is correct. I
7 don't have knowledge of that, and I don't
8 know what his appointment was.

9 Q. Okay. Well, let's take a look at
10 some exhibits. Dr. Hutcheson, I am showing
11 you what has been marked as exhibit Bierman
12 3. The title is "meeting minutes, July 20,
13 2018, time, 12:00 p.m., attendees, Amro Ali,
14 Fredrick Bierman, Kelly Hutcheson, and
15 Thaddeus Wandel, and Michelle Hodge." And
16 then in parenthesis, "note taker."

17 Do you recall this meeting?

18 A. Yes, I do.

19 Q. Okay. Do you recognize this as Ms.
20 Hodge's notes?

21 A. Yes.

22 Q. Does Ms. Hodge take accurate notes?

23 A. Yes.

24 Q. These meeting minute notes, do you
25 keep them in your office or in your files

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2 somewhere?

3 A. I kept a copy on my computer.

4 Q. Okay. Earlier we talked about a
5 meeting that you had in June of 2018. Is
6 that different than this meeting that
7 occurred in July of 2018?

8 A. I misspoke. This is the meeting I
9 was referring to. It was July.

10 Q. Okay. In June, did you have a
11 meeting with these same attendees, absent Dr.
12 Amro Ali?

13 A. I already answered, I don't have
14 any recollection of such a meeting.

15 Q. Okay. Did you have an
16 understanding that there was a document
17 request made, in connection with this
18 proceeding?

19 A. Yes.

20 Q. Okay. Did you look through any of
21 your files or were you asked to look through
22 any of your files to see if you had any
23 documents responsive to those requests?

24 A. Yes.

25 Q. Okay. And who did that search?

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2 A. I just looked through my own
3 documents.

4 Q. And when you looked through your
5 documents, was that on your computer?

6 A. Yes.

7 Q. Okay. And how did you conduct the
8 search to find these meeting minutes?

9 A. I looked through my e-mail and
10 found the attachment, plus Michelle probably
11 sent these meeting minutes to me. She keeps
12 our notes.

13 Q. I see. Does she keep your notes in
14 hard copy somewhere?

15 MR. MILLUS: Objection as to
16 form, okay, but go ahead.

17 Q. Could you answer the question?

18 A. Does she keep what "notes"?

19 Q. Meeting minutes in hard copy.

20 A. Probably not.

21 Q. Okay. In February 2018, when Dr.
22 Sharma [sic] informed you of -- when you
23 talked to him about his desire to join the
24 residency program, was that in person, by
25 telephone, e-mail, or otherwise?

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2 A. I didn't say that I discussed
3 anything with Dr. Sharma in February of 2018.

4 Q. Was it February 2018, that you
5 learned of Dr. Ali's existence?

6 A. Yes.

7 Q. Before that, you had no awareness
8 of Dr. Ali?

9 A. That's correct. As far as --
10 again, approximately, February.

11 Q. I am just going to scroll through
12 these meeting minutes which are multiple
13 pages and I will just ask you to confirm that
14 these are the meeting minutes from that July
15 20, 2018, meeting. This is the second page.
16 And, please, I don't want to rush you or not
17 give you an opportunity. If you want to read
18 the document in full, we are certainly
19 prepared to let you do that.

20 A. They appear to be the meeting
21 minutes that you were referring to.

22 Q. Okay. And this is the third page.

23 We have been given some information
24 that Dr. Ali, at the conclusion of the
25 meeting, was upset and that security was

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2 called. Do you recall that?

3 A. I recall hearing about it.

4 Q. From whom did you hear that?

5 A. I don't recall.

6 Q. While you were in the meeting, what
7 was Dr. Ali's demeanor?

8 A. He was very polite.

9 Q. Have you ever seen Dr. Ali be
10 anything, other than polite and professional?

11 A. I can't recall. My answer would be
12 "no." Prior to the end of the meeting, I
13 don't recall if he was upset or not at the
14 end of the meeting, but otherwise, I have
15 always seen him be very professional, and
16 polite, and appropriate.

17 Q. Can you tell me from whom you
18 learned about the end of the meeting?

19 A. I just answered that.

20 Q. I am sorry, can you bear with me
21 and repeat it, because I don't recall?

22 A. I don't recall.

23 Q. I see. If you look at the meeting
24 minutes, there is no reflection in here of
25 security being called, correct?

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2 A. I do not see that.

3 Q. If security had been called, would
4 you expect that there would be a record of
5 that at the institution?

6 A. I am going to surmise that Michelle
7 and I had left at the conclusion of what you
8 see in these minutes.

9 Q. I see. When you and Michelle left
10 the meeting, who remained behind?

11 A. I wouldn't know because I wasn't
12 there.

13 Q. Okay. Were you the first
14 individuals to leave the meeting?

15 A. We were.

16 Q. Okay. After that meeting, did you
17 have discussions with anyone about the
18 meeting?

19 A. Probably.

20 Q. When you say, "probably," do you
21 know who probably you had those discussions
22 with?

23 A. Probably with Dr. Bierman.

24 Q. Anyone else?

25 A. No.

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2 Q. Okay. Do you recall anything about
3 the substance of any discussion with Dr.
4 Bierman about the meeting?

5 A. Merely to summarize the meeting.

6 Q. Okay. Okay, let's go to exhibit --
7 I have put up on the screen a document
8 identified as Exhibit Ali 1. It is Bates
9 stamped "NYMC, slash, WMC00004." And it is
10 entitled "New York Medical College GME policy
11 USMLE Step 3." First off, can you tell me,
12 have you ever seen this document?

13 A. I believe I have seen it in
14 conjunction with this case.

15 Q. Okay. Can you tell me, first,
16 "GME," that stand for "Graduate Medical
17 Education"?

18 A. Correct.

19 Q. And USMLE Step 3, can you tell me
20 what that acronym refers to?

21 A. "U.S. Medical Licensing
22 Examination."

23 Q. And the medical licensing
24 examination, that occurs in three steps?

25 A. I am not an expert on these things.

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2 You should refer these questions to Dr.

3 Bierman.

4 Q. Okay. If you would, take a look at
5 the substance of these -- this policy, and I
6 will ask you a few questions about it.

7 A. I am really not in a position to
8 comment on the policy. I am not familiar
9 with it. It's not in my area of expertise
10 and it's an appropriate question to ask to
11 Dr. Bierman.

12 Q. It may be an appropriate question
13 to ask Dr. Bierman, but I'm asking you, and
14 you mentioned that you had looked at this in
15 connection with this case or matter, and I am
16 asking you to take a look at it. You don't
17 have to read it, if you don't want to, but I
18 invite you to do so. Then I might ask you
19 some questions.

20 A. I cannot read off your screen.
21 It's too small.

22 Q. Okay, let's enlarge it. That's
23 fine. Is that better?

24 A. Okay.

25 Q. Okay. Do you understand what the

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2 document says?

3 A. I understand the words, yes.

4 Q. Okay. And in this document, is it
5 fair to say that passing SMLE Step 3 is not
6 necessary, prior to entry to a residency
7 program at the medical college?

8 MR. MILLUS: Objection. Let
9 me get this straight. You are
10 asking the witness to look at the
11 words and repeat it? You know
12 what, I will stipulate to this case
13 that passing the Step 3 is not
14 necessarily required. In this
15 case, there was good reason for it.
16 But I will stipulate it. This
17 document speaks for itself. To
18 have the witness interpret the
19 document -- not even "interpret,"
20 basically, repeat the language on
21 the document is, quite frankly,
22 outrageous, and, you know what, I
23 will direct the witness not to
24 answer. If you want to go to the
25 magistrate over that, be my guess.

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2 I would love her to read that part
3 of the transcript. I am
4 stipulating that this document is
5 accurate, that there is no
6 particular requirement of law that
7 someone pass Step 3. But, of
8 course, we have a multitude of
9 reasons why your client needed to
10 pass the Step 3, and I am ready to
11 present that to the judge on
12 summary judgment when the time
13 comes. But I will not have this
14 witness read the document that I
15 just stipulated to. So I will not
16 do it.

17 MR. SADOWSKI: You know,
18 Paul, I understand your position,
19 but there is no need for a speaking
20 objection. If you are directing
21 the witness not to answer, that's
22 fine. But the speaking objection
23 is inappropriate, and I would ask
24 just, you know, there is no reason
25 to become heated about it.

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2 MR. MILLUS: Rob, the
3 question is so inappropriate, it
4 boggles the mind. I am just
5 saying, and I want to say it
6 respectfully, because I like you,
7 but it just boggles the mind. I
8 don't want to see us getting into
9 this, parsing the line, line by
10 line of a document that she says
11 she has no involvement in, and I
12 told you, I stipulate that Step 3
13 is not absolutely required to take
14 a residency. You can take it your
15 first year or your second year.
16 It's clear as a bell. We don't
17 need to beat this dead horse, Rob.
18 I am ready to take that issue on.
19 You feel it's a strong point.
20 That's fine. But, please, I just
21 want to move things along in a
22 reasonable way. I don't mean to
23 get heated.

24 MR. SADOWSKI: Okay, let's
25 then go to a document that the

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2 witness probably should have
3 familiarity with, but we will see.

4 Q. Okay, I am showing you, Dr.
5 Hutcheson, what is an exhibit marked Ali 23,
6 entitled "WMC Health Westchester Medical
7 Center, Westchester Medical Center, resident,
8 slash, Fellow Agreement, Terms of
9 Appointment, Policies and Procedures
10 2016/2017." It is Bates-stamped New York
11 Medical College Bates-stamped WMC, slash --
12 no, it's Bates-stamped NYMC/WMC00005. And I
13 will represent, this is page 1 of a multipage
14 document.

15 Do you recognize what this document
16 is?

17 A. No.

18 Q. Have you never seen this document
19 before?

20 A. No.

21 Q. Does Westchester Medical Center
22 have a resident fellow agreement with terms
23 of appointment, with policies and procedures?

24 A. I believe, it does.

25 Q. Have you ever looked at it?

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2 A. Not this document.

3 Q. Is there a more current version of
4 this document?

5 A. I assume, there is.

6 Q. And have you looked at the more
7 current version of this document?

8 A. Not in great detail, no. I am not
9 the residency program director.

10 Q. So you are unfamiliar with this
11 document?

12 Is that what you are saying?

13 A. Yes.

14 Q. Okay. Did you ever become aware,
15 Dr. Hutcheson, that Dr. Ali applied for a
16 PGY-3 position in the ophthalmology residency
17 program at WMC, in October of 2015?

18 A. Yes, I did.

19 Q. When did you become aware of that?

20 A. Around the time of these
21 discussions in July of 2018.

22 Q. Okay. Did you look at any
23 documents, in connection with Dr. Ali's
24 application for PGY-3, in October of 2015?

25 A. No, I don't believe so.

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2 Q. Did you ever learn that Dr. Wandel
3 was supportive of Dr. Ali's 2015 application
4 to the residency program?

5 A. Yes.

6 Q. Okay. And in the same token, Dr.
7 Sharma was supportive of that application?

8 A. I don't know if he was supportive
9 of that application or a later application.

10 Q. Have you ever reviewed Dr. Ali's
11 CV?

12 A. Yes.

13 Q. When was that?

14 A. When we discussed his research.

15 Q. And when was that?

16 A. Springtime of 2018.

17 Q. And what was your view of his
18 research?

19 A. I already answered that.

20 MR. MILLUS: Asked and
21 answered. Objection.

22 Q. Sorry, would you indulge me?

23 A. His research was excellent.

24 Q. When you were at Weil Cornell in
25 Qatar, did you have a physician trainee that

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2 you brought with you to WMC when you came
3 there?

4 A. I did not bring someone with me,
5 no.

6 Q. Okay. Was there an individual you
7 worked with in Qatar who, ultimately, came to
8 WMC?

9 A. Yes.

10 Q. Who is that?

11 THE WITNESS: Mr. Millus, am
12 I able to say? I think that's a
13 violation of confidentiality.

14 MR. MILLUS: Let me hear the
15 question again.

16 MR. SADOWSKI: Can we have
17 it read back?

18 (Whereupon, the requested
19 portion was read by the reporter.)

20 MR. MILLUS: Doctor, that's
21 not a privileged or confidential
22 situation. It's one of the
23 allegations in this case, as we
24 discussed, when I think of it, but
25 at the end, that person can be

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2 identified.

3 THE WITNESS: Can be?

4 MR. MILLUS: Yes.

5 A. It was is Asmeer Shwiki.

6 Q. When he came to WMC, did he enter
7 the residency program?

8 A. He did.

9 Q. Did he do that through the San
10 Francisco Match? What was your answer?

11 A. No.

12 Q. Had he passed Step 3 of the United
13 States Medical Licensing Examination?

14 A. Yes.

15 Q. Before he joined the residency
16 program; is that correct?

17 A. Yes.

18 Q. Did he have or was he a sponsor of
19 an NIH grant when he became a resident?

20 A. No.

21 Q. The answer was "no"?

22 A. The answer was "no."

23 Q. I'm sorry, if you could speak up,
24 Doctor. I am having trouble hearing some of
25 your answers.

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1 Kelly Hutcheson, M.D.

2 A. Is that better?

3 Q. Yes.

4 A. I will put the volume up.

5 Q. Yes. If the candidate did not go
6 through the San Francisco Match, what was the
7 mechanism by which he entered the residency
8 program?

9 A. If there was an open spot outside
10 the match.

11 Q. And how did that opening come
12 about?

13 A. It was added to the GME budget.

14 Q. And what was the mechanism by which
15 the GME budget was increased for this new
16 position?

17 A. The program was growing and it was
18 justified to add more residents.

19 Q. Who requested the budget increase
20 and the increase in residents?

21 A. That was me.

22 Q. And through whom did you make that
23 request?

24 A. The CFO of the hospital.

25 Q. And is that Michael Israel?

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1 Kelly Hutcheson, M.D.

2 A. No.

3 Q. Who was it?

4 A. Gary Berniki.

5 Q. Oh, okay. Do you know of any other
6 positions in the residency program filled
7 outside of the San Francisco Match?

8 A. Yes.

9 Q. How many?

10 A. Since I have been here, one.

11 Q. And that's the one you identified?

12 A. No, sorry, an additional one.

13 Q. Okay. Who was that?

14 A. Pevo Tatelbaum.

15 Q. How was it that it came about that
16 he obtained a residency position outside of
17 the San Francisco Match?

18 A. Similar -- there was an open spot.

19 Q. And was the open spot made because
20 someone left or because there was an
21 additional funding obtained for a new
22 position?

23 A. No, either.

24 Q. How did the spot come about?

25 A. There was a vacancy that did not

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1 Kelly Hutcheson, M.D.

2 get filled.

3 Q. Was that a vacancy that would have,
4 otherwise, been filled through the San
5 Francisco Match?

6 A. Yes.

7 Q. And how did that vacancy come
8 about?

9 A. We did not receive our full slate
10 of applicants.

11 Q. What year was this?

12 A. I don't recall.

13 Q. Was it while you were at the WMC?

14 A. Yes.

15 Q. Okay. What was the reason that you
16 did not receive your full slate of
17 applicants?

18 A. You go through a match process and
19 it's the computer algorithm, and if you don't
20 match, then the spot will be unfilled.

21 Q. Okay.

22 MR. SADOWSKI: Let's take a
23 five-minute break.

24 MR. MILLUS: Okay.

25 (Whereupon, a recess was

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2 taken at this time.)

3 BY MR. SADOWSKI:

4 Q. The residency position given to the
5 individual from Qatar, I think the name was
6 Asmeer Shwiki, was that position advertised?

7 A. I don't recall.

8 Q. Was the position posted online?

9 A. I don't know.

10 Q. Was he interviewed by anyone, prior
11 to his acceptance to the residency?

12 A. Yes.

13 Q. By who?

14 A. Dr. Wandel, one of the senior
15 residents, another faculty person, and me.

16 Q. Do you know the name of the
17 resident and the faculty person?

18 A. I would have to go back and look.

19 Q. Did Dr. Bierman approve that
20 residency position?

21 A. What do you mean, "approve"?

22 Q. Did he approve the candidate
23 entering the residency position?

24 A. I don't know. I don't recall how
25 that process works.

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1 Kelly Hutcheson, M.D.

2 Q. Well, who would be the best
3 individual to know how that process worked?

4 A. Dr. Wandel.

5 Q. Okay. Do you recall having a
6 meeting with Dr. Sharma, where it was
7 suggested that you give Dr. Ali a try-out
8 period, in connection with him obtaining a
9 residency position?

10 A. Don't recall.

11 Q. You don't recall?

12 A. Do not recall that.

13 Q. Okay. Are you aware that the
14 ophthalmology department received funding
15 from the Doss family?

16 A. No.

17 Q. Are there doctors in the residency
18 -- are or were there doctors in the residency
19 program by the name of Doss?

20 A. Yes.

21 Q. And there were two of them,
22 correct?

23 A. Yes.

24 Q. A man and a woman, correct?

25 A. Yes.

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1 Kelly Hutcheson, M.D.

2 Q. And they were about two years apart
3 in the program?

4 A. Approximately.

5 Q. Who made the application for Dr.
6 Asmeer Shwiki's visa?

7 A. I don't know.

8 Q. Did you play any role in that?

9 A. No.

10 Q. Were you ever asked for letters to
11 use in connection with his visa application?

12 A. It's likely that I was.

13 Q. How do you say -- why do you say it
14 was "likely"?

15 A. Because the GME office might have
16 asked something given he was a resident in
17 the program, in order for them to process the
18 paper work.

19 Q. So you're saying it's the GME
20 office that processed his visa paperwork?

21 A. I don't know the process, but that
22 would be the department that typically would
23 handle something like that. It doesn't come
24 out of our office.

25 Q. Does the department ever receive

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1 Kelly Hutcheson, M.D.

2 funds in the nature of financial donations,
3 grants, or prizes that are tied to
4 individuals obtaining positions in the
5 residency program?

6 A. No, certainly not during my time.

7 Q. Are you aware, are you not, that
8 Dr. Ali was at one point offered a position
9 in the residency program at WMC, correct?

10 A. No, I am not aware of that.

11 MR. MILLUS: Sorry, I object
12 as to the form, for the record.

13 The witness can answer.

14 A. I said, no, I am not aware of that.

15 Q. Did you have an opportunity to
16 review any of Dr. Ali's residency
17 applications?

18 A. No. Actually, let me amend that.
19 During the review for this deposition, I did
20 have a chance to look at some of his
21 paperwork, but I did not see his applications
22 prior to this.

23 Q. Okay. After Dr. Ali went through
24 the San Francisco Match and was, apparently,
25 unsuccessful, do you know if anyone asked you

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1 Kelly Hutcheson, M.D.

2 your opinion on whether he should go through
3 the San Francisco Match a second time?

4 A. I was not working there at that
5 time.

6 Q. So you recall no conversations with
7 Dr. Sharma asking your opinion as to whether
8 Dr. Ali should make a second application
9 through the San Francisco Match?

10 A. It was my impression that Dr. Ali
11 had already made two applications through the
12 San Francisco Match, prior to my arrival
13 here.

14 Q. But are you aware that there was
15 also an application, outside of the San
16 Francisco Match?

17 A. No, I was not aware of that.

18 Q. Okay. Do you have any knowledge of
19 Dr. Starwhite leaving the residency program
20 with a position, and Dr. Ali was offered that
21 position?

22 A. I don't know who that is.

23 Q. And you have no knowledge about the
24 offer to Dr. Ali?

25 A. No.

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1 Kelly Hutcheson, M.D.

2 Q. And no knowledge that the offer was
3 contingent on him successfully passing the
4 Step 3 exam?

5 A. No.

6 Q. In all of the papers that you have
7 reviewed, in connection with Dr. Ali, was any
8 of that information contained in those
9 papers?

10 MR. MILLUS: Objection as to
11 form. What "papers"?

12 MR. SADOWSKI: Well, Dr.
13 Hutcheson said she reviewed papers,
14 which I think she said were some of
15 the first times she's seen some of
16 these papers, and I am asking if
17 any of those papers that she
18 reviewed, she learned about his
19 application outside the San
20 Francisco Match?

21 THE WITNESS: No.

22 Q. Have you ever been told that Dr.
23 Ali was promised a position in the
24 ophthalmology residency program, upon
25 completing his commitment to perform and

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1 Kelly Hutcheson, M.D.

2 publish research for New York Medical

3 College?

4 A. Told by whom?

5 Q. Pardon me?

6 A. Told from whom?

7 Q. Have you heard from anyone about an
8 arrangement, whereby, he would work as a
9 researcher for New York Medical College, and
10 in exchange, he would obtain a residency
11 position in the ophthalmology program?

12 MR. MILLUS: Objection as to
13 form. You may answer.

14 A. I heard that from Dr. Ali.

15 Q. Have you heard that from anyone
16 else?

17 A. No.

18 Q. Did Dr. Ali tell you that that
19 promise was made to him by Dr. Sharma and Dr.
20 Wandel?

21 A. He implied that, yes.

22 Q. How did he imply that?

23 A. I would have to go back and look at
24 his e-mail. Do you have that document
25 available?

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1 Kelly Hutcheson, M.D.

2 Q. I may. Did your name appear on any
3 of Dr. Ali's research projects, grant
4 proposals, any publications?

5 A. I did not participate in any
6 research with him. It's possible that he may
7 have applied for an IRB during the couple of
8 short months in which we overlapped, and if
9 we did I, would have approved it as the
10 chairman, as I was also supportive of his
11 research.

12 Q. Are you aware that before Dr. Ali
13 became a faculty member and researcher, that
14 the Medical College was cited by ACGME for a
15 lack of scholarly academic research?

16 A. Not specifically.

17 Q. Are you, generally?

18 A. I was aware that there were ACGME
19 citations, not what they were detailed.

20 Q. I see. So you were aware of
21 citations, but not the specific reasons for
22 the citations?

23 A. Correct.

24 Q. Okay. Were you ever told, or did
25 you ever learn that Dr. Ali was brought on

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1 Kelly Hutcheson, M.D.

2 board to do research to assist the Medical
3 College in its scholarly academic
4 publications?

5 A. No.

6 Q. Have you ever discussed Dr. Ali's
7 application to the residency program with Dr.
8 Wandel?

9 A. Yes.

10 Q. Can you tell me what was said in
11 those discussions?

12 A. Dr. Wandel informed me about Dr.
13 Ali's past application through the match, and
14 that he was interviewed, and that based on
15 the results of the interview, he was put onto
16 the list, and he didn't match, on the basis
17 of his interview process.

18 Q. What was he --

19 A. And application.

20 Q. The interview process, is that the
21 reason you understood that Dr. Ali did not
22 match with WMC?

23 A. No, that is incorrect.

24 Q. Okay. What is correct?

25 A. Dr. Ali went through the match,

1 Kelly Hutcheson, M.D.
2 like every other applicant, and he was put on
3 the rank list, and he did not match.

4 Q. I thought you said the reason for
5 that was that something occurred during the
6 interview process?

7 A. I immediately corrected myself to
8 say, based on the interview and the
9 application, which is standard. When we say,
10 "interview," we refer to that as "the
11 process," but what it really means is the
12 entire applicant package.

13 Q. Okay. Just talking about the
14 interviews themselves, did you learn any
15 specifics about how Dr. Ali interviewed with
16 residents and faculty?

17 A. I did not. You also recall, this
18 was years before I worked here.

19 Q. I understand. We have the timeline
20 down, I think. So your knowledge would have
21 been learned after the fact?

22 A. Correct.

23 Q. I have no more questions. Thank
24 you for your time, Dr. Hutcheson. I hope you
25 can make your afternoon appointment.

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Kelly Hutcheson, M.D.

MR. MILLUS: None, as well.

-oOo-

(Whereupon, the examination
of KELLY HUTCHESON, M.D., was
adjourned at 11:33 p.m.)

KELLY HUTCHESON, M.D.

Subscribed and sworn to
before me this day
of , 2020.

NOTARY PUBLIC

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----- I N D E X -----

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C E R T I F I C A T E

STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

I, AYDIL M. TORRES, a Notary Public
within and for the State of New York, do
hereby certify:

That KELLY HUTCHESON, M.D., the
witness whose deposition is hereinbefore set
forth, was duly sworn by me and that such
deposition is a true record of the testimony
given by the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of September, 2020.

Aydil M. Torres

AYDIL M. TORRES

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DEPOSITION ERRATA SHEET

Our Assignment No. J6033885

Case Caption: AMRO ALI, M.D. vs. WESTCHESTER
MEDICAL CENTER AND NEW YORK MEDICAL COLLEGE

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
That I have read the entire transcript of
My Deposition taken in the captioned matter
Or the same has been read to me, and
The same is true and accurate, save and
Except for changes and/or corrections, if
Any, as indicated by me on the DEPOSITION
ERRATA SHEET hereof, with the understanding
That I offer these changes as if still under
Oath.

KELLY HUTCHESON, M.D.

Subscribed and sworn to on the _____ day of
_____, 20____ before me,

Notary Public,

In and for the State of _____

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KELLY HUTCHESON, M.D.

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